

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SONTERRA CAPITAL MASTER FUND, LTD., HAYMAN
CAPITAL MANAGEMENT, L.P., and CALIFORNIA
STATE TEACHERS' RETIREMENT SYSTEM on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

UBS AG, UBS SECURITIES JAPAN CO. LTD., MIZUHO
BANK, LTD., THE BANK OF TOKYO-MITSUBISHI UFJ,
LTD., THE SUMITOMO TRUST AND BANKING CO., LTD.,
THE NORINCHUKIN BANK, MITSUBISHI UFJ TRUST
AND BANKING CORPORATION, SUMITOMO MITSUI
BANKING CORPORATION, RESONA BANK, LTD., J.P.
MORGAN CHASE & CO., JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION, J.P. MORGAN SECURITIES
PLC, MIZUHO CORPORATE BANK, LTD., DEUTSCHE
BANK AG, DB GROUP SERVICES UK LIMITED, MIZUHO
TRUST AND BANKING CO., LTD., THE SHOKO CHUKIN
BANK, LTD., SHINKIN CENTRAL BANK, THE BANK OF
YOKOHAMA, LTD., SOCIÉTÉ GÉNÉRALE SA, THE
ROYAL BANK OF SCOTLAND GROUP PLC, THE ROYAL
BANK OF SCOTLAND PLC, RBS SECURITIES JAPAN
LIMITED, RBS SECURITIES INC., BARCLAYS BANK PLC,
BARCLAYS PLC, BARCLAYS CAPITAL INC., CITIBANK,
NA, CITIGROUP, INC., CITIBANK, JAPAN LTD.,
CITIGROUP GLOBAL MARKETS JAPAN, INC.,
COÖPERATIEVE CENTRALE RAIFFEISEN
BOERENLEENBANK B.A., HSBC HOLDINGS PLC, HSBC
BANK PLC, LLOYDS BANKING GROUP PLC, LLOYDS
BANK PLC, ICAP PLC, ICAP EUROPE LIMITED, R.P.
MARTIN HOLDINGS LIMITED, MARTIN BROKERS (UK)
LTD., TULLETT PREBON PLC, BANK OF AMERICA
CORPORATION, BANK OF AMERICA, N.A., MERRILL
LYNCH INTERNATIONAL, AND JOHN DOE NOS. 1-50,

Defendants.

Case No. 15-cv-5844 (GBD)

ECF Case

DECLARATION OF TORU SAWADA

I, Toru Sawada, declare the following:

1. I am currently Director and General Manager of General Affairs Department of Sumitomo Mitsui Banking Corporation (“SMBC”) and submit this declaration in support of the Japanese Defendants’ motion to dismiss plaintiffs’ complaint in the above-referenced matter for lack of personal jurisdiction. The facts stated herein are true to the best of my knowledge based on records maintained by SMBC in its regular course of business. Unless otherwise noted, the facts set forth in this declaration describe SMBC's business during the time period from January 1, 2006 until December 18, 2015 (the date that I understand plaintiffs filed an amended complaint).

2. SMBC is a subsidiary of Sumitomo Mitsui Financial Group, Inc. and is a Japanese financial institution incorporated under the laws of Japan. SMBC is headquartered in Tokyo, Japan.

3. SMBC is a reference bank on the Euroyen TIBOR panel administered by the Japanese Bankers Association (“JBA”). At all times relevant to the plaintiff’s allegations as set forth in their amended complaint, all SMBC employees and supervisors responsible for submitting Euroyen TIBOR rates worked in Japan.

4. SMBC has never been a reference bank on the Yen-LIBOR panel that was administered by the British Bankers Association (“BBA”).

5. SMBC has a branch office in New York, New York. SMBC’s New York Branch is primarily engaged in corporate banking and treasury activities. No employees or supervisors of SMBC’s New York Branch were responsible for or involved in submitting or approving Euroyen TIBOR rates or Yen LIBOR rates.

6. Sumitomo Mitsui Banking Corporation Europe Limited (“SMBCE”), a subsidiary of SMBC, became a reference bank on the Yen-LIBOR panel administered by the British Bankers Association (“BBA”) in 2003.

7. Since SMBCE joined the Yen-LIBOR panel, all SMBCE employees and supervisors responsible for submitting Yen-LIBOR rates have worked in England.

8. SMBCE’s Yen LIBOR submissions were not overseen or approved by anyone at SMBC in Tokyo or New York.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 29 day of January, 2016 in Tokyo, Japan.



Toru Sawada
Director and General Manager of General
Affairs Department
Sumitomo Mitsui Banking Corporation